
Docket No. 14-56834

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**JORDAN MARKS, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED
PLAINTIFF-APPELLANT,**

V.

**CRUNCH SAN DIEGO, LLC,
DEFENDANT-APPELLEE.**

**ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

DISTRICT COURT CASE No.: 3:14-cv-00348-BAS-BLM

**PLAINTIFF-APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITY
REGARDING THE FEDERAL COMMUNICATIONS COMMISSION'S
ENFORCEMENT ADVISORY NO. 2016-06**

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PLAINTIFF-APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Fed. R. App. P. 28(j),¹ Plaintiff-Appellant Jordan Marks respectfully submits for the Court's consideration the Federal Communications Commission's Enforcement Advisory No. 2016-06, dated November 18, 2016, concerning the meaning of an "automatic telephone dialing system" (ATDS) and its application to "autodialed text messages" to cell phones. This advisory is directly relevant to the issues on appeal here with regard to whether Appellee Crunch San Diego, LLC used an ATDS to send autodialed text messages to Appellant Jordan Marks' cellular telephone.

Attached hereto as **Exhibit 1** is a true and correct copy of the FCC's Enforcement Advisory No. 2016-06, accessed on December 1, 2016 from the web link below:

http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1118/DA-16-1299A1.pdf.²

Dated: December 1, 2016

Respectfully Submitted,

KAZEROUNI LAW GROUP, APC

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¹ The body of this letter to the clerk contains less than 350 words, in compliance with Fed. R. App. P. 28(j).

² Highlighting was added to the Exhibit for emphasis.